

3 FAM 3750

TRAVEL OF CHILDREN OF SEPARATED FAMILIES

(CT:PER-678; 06-22-2012)
(Office of Origin: HR/ER/WLD)

3 FAM 3751 PURPOSE

(CT:PER-628; 08-18-2010)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service Only)

This section provides the legal and regulatory basis for payment of one round trip per year to enable each child below age 21 of a member of the Foreign Service stationed abroad to visit his or her parent(s). The term "separated" means separated by distance and does not necessarily refer to the parents' status as spouses.

3 FAM 3752 AUTHORITY

(CT:PER-628; 08-18-2010)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service Only)

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) allows:

"1 round trip per year for each child below age 21 of a member of the Service assigned abroad

(A) to visit the member abroad if the child does not regularly reside with the member and the member is not receiving an education allowance or educational travel allowance for the child under section 5924(4) of title 5, United States Code (5 U.S.C. 5924(4)); or

(B) to visit the other parent of the child if the other parent resides in a country other than the country to which the member is assigned and the child regularly resides with the member and does not regularly attend school in the country in which the other parent resides, except that a payment under this paragraph may not exceed the cost of round-trip travel between the post to which the member is assigned and the residence of the other parent, or between the post to which the member is assigned and the residence of the child if the child does not reside with a parent."

3 FAM 3753 ELIGIBILITY FOR TRAVEL

3 FAM 3753.1 Children Eligible

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

Eligibility for this travel extends to children as defined in 14 FAM 511.3 (eligible family members—EFMs), except that children under legal guardianship need not be normally residing with the employee at post. Accordingly:

- (1) Natural children, stepchildren, adopted children, and children under legal guardianship or comparable permanent custody arrangement of a Foreign Service member when not residing with the member at post, are authorized visitation travel to post under section 3 FAM 3752 and section 901(15)(A) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)(A));
- (2) Natural children, stepchildren, adopted children, and children under legal guardianship or comparable permanent custody arrangement of a Foreign Service employee who are living with the member at post are authorized visitation travel to visit the other parent or guardian under section 3 FAM 3752 and section 901(15)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)(B));
- (3) Stepchildren are eligible for visitation travel only if the spouse or domestic partner (as defined in 3 FAM 1610) parent (whether adoptive or natural) is residing at post with the Foreign Service member; and
- (4) Children under the legal guardianship of an employee or spouse, or domestic partner (as defined in 3 FAM 1610), or comparable permanent custody arrangement, are eligible for visitation travel from the member's post of assignment abroad to visit a natural parent only when a court has ordered visitation rights.

3 FAM 3753.2 Tandem Couples

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

- a. If both parents of an eligible child are members of the Foreign Service with one posted in the United States and one posted abroad, the member assigned abroad initiates the request for travel as specified in 3 FAH-1 H-3750.
- b. When both parents are posted abroad, either member (not both) may request issuance of travel orders, but children are limited to one round trip per year.
- c. When the parent employees are from different agencies, either agency may issue the travel orders. Normally, the agency issuing the orders will bear the full cost of travel.
- d. There may be situations where it would be appropriate for the two posts to

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negotiate a sharing of the costs or for the posts to alternate responsibility for payment of the travel cost from 1 year to the next.

3 FAM 3753.3 Travel by Children under Age 21 Who Are Ineligible for Educational Travel and Travel to Visit Separated Parents

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

A dependent Foreign Service child as defined in 3 FAM 3753.1 under age 21 who is neither eligible for an educational travel allowance nor for travel to visit separated parents, is authorized one round trip per year to a post abroad for purposes of visiting his or her parent(s) assigned abroad.

3 FAM 3753.4 Separate Maintenance Allowance

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

The authorization for travel described in this subchapter does not apply to dependents of employees who receive a voluntary separate maintenance allowance, or to dependents who are otherwise ineligible for visitation travel. Dependents of employees who receive an involuntary separate maintenance allowance are eligible for visitation travel.

3 FAM 3753.5 Travel to Meet Member Outside Post of Assignment

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

- a. Where travel is authorized pursuant to Section 901(15)(A), travel may be authorized only to the post of assignment unless the post is unaccompanied, partially unaccompanied, or is under authorized or ordered evacuation orders. In such a case, the child may travel to meet the parent at an alternate destination abroad with the cost not to exceed the cost of round-trip travel between the residence of the other parent and the employee's post of assignment, or between the residence of the child if the child does not reside with the other parent and the employee's post of assignment.
- b. Evacuation of a post does not automatically entitle an employee to "travel of children of separated families." The employee must have been otherwise eligible for that benefit prior to the evacuation.

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- c. The travel must be at the lowest cost and on the most direct and usually-traveled route and must conform to the spacing of trips and scheduling requirements in 3 FAH-1 H-3751 and 3 FAH-1 H-3755 (see 3 FAH-1 H-3750).

3 FAM 3754 REPAYMENT OF TRAVEL

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

The member shall repay the travel and transportation expenses of a child's trip if it is determined subsequently that the child was ineligible to travel under the provisions of 3 FAM 3753. However, the employee is not required to refund the cost of the travel if after visitation travel has taken place, a member is unable to complete the required 12-month qualifying period of service abroad because the employing agency:

- (1) Transfers the employee to the United States at the option and benefit of the agency;
- (2) Transfers the employee to the United States for compassionate reasons; or
- (3) Separates the employee involuntarily.

3 FAM 3755 PROCEDURES AND GUIDELINES

(CT:PER-628; 08-18-2010)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Only)

Procedures and guidelines which must be followed when implementing this subchapter are published in 3 FAH-1 H-3750.

3 FAM 3756 THROUGH 3759 UNASSIGNED